

1

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

TYQUAN JOHNSON,

Plaintiff,

vs

Complaint under the

Civil Rights Act, 42

U.S.C. § 1983

Rochester police Dept, officer

# 0407

Jury trial yes

Demanded

Defendants.

#### JURISDICTION AND VENUE

(1) This Court has jurisdiction over this action under 28 U.S.C. Sections 1331 and 1333 (3) and (4). The matter is controversy under 42 U.S.C. section 19.

(2) Venue properly lies in this district pursuant to 28 U.S.C. Section 1331 (b) (2) because the events giving rise to this cause of action occurred in Rochester, New York, which is located within the Western District of New York.

#### PARTIES

(3) The Rochester police Department, officer # 0407

#### COMPLAINTS / FACTS

4. On May 01, 2011, approximate 12:57 pm ; was walking out the store on the corner of Bay & 7th street where i was grabbed by R.P.D officer # 0407, and placed in handcuffs.

5. Once i was placed in cuffs officer # 0407, pushed me up against his Squad car and asked me "where was the weapon", as he put first me.

6. I answered back to the officer; what weapon are you talking about sir?

7. The officer then turned me around pushing me harder back into the Squad car which made me now face him.

8. Officer # 0407, stated to me that i knew what he was talking about because he has witnesses that seen me shoot a guy several times days prior, and if i didn't give him the weapon he was going to take me somewhere and beat me for lying to him.

9. I told the officer i don't know what you're talking about because i didn't shoot anybody, plus i do not own a weapon, so if im being arrested go ahead and take me to booking, and i will like to speak to a lawyer.

10. Thereafter officer # 0407, placed me in the back of his squad car before walking in to the corner store to speak to the owner.

11. After the officer exit the store he came and open up the back door and ask me what is my nickname? I told him i do not have one, then he stated to me well you better hope i don't find that gun you fucking Ass hole, but you're being charged with this shooting no matter what.

20. Officers testify that they had information from a source but that source did not testify nor the so called victim who was supposedly shot.

21. R.P.D officer # 0407, used a nickname that was giving to him that didn't testify nor did the prosecutor use any evidence to show that i was involved in any shooting.

22. Malicious prosecution, arrest was made without probable cause and for an improper purpose an abuse of process by officer # 0407, procures the arrest and often the imprisonment by means of judicial process, without any reasonable cause.

23. Here officer # 0407, made a false arrest where his arrest was made without proper legal authority / false imprisonment, a restraint of me in a bounded area without justification or consent.

24. False imprisonment is a common-law misdemeanor and a tort it applies to private as well as governmental detention.

25. My due process rights were violated when R.P.D officer # 0407, showed Misconduct of illegal proceedings according to established rules and principles for the protection and enforcement of private rights, Also termed due process of law, due course of law.

26. No one shall be held guilty of any penal offence on account of any act of omission which did not constitute a penal offence, under national or international law at time when it was committed.

27. I ask that this court awards plaintiff, with the demanded amount and suspend officer # 0407, on various grounds.

12. I ask the officer what is that suppose to mean, your going to set me up even thou i didn't do anything?

13. Officer # 0407. Stated to me that "Somebody is going to jail for it, its either you give me a name too go with or you'll be taken the fall for this one" As he laughed.

14. After i heard the office say that to me i just Set back as the seat and closed my eyes, waiting until i can see a lawyer.

15. I was later brought to the Clinton, Upper Falls, present for questioning by detectives for several hours before being brought to bookings for the charges of Crim possess weapon -2 Loaded firearm and use of Dangerous weapon, class A Misdemeanor.

16. I was in the County jail for (10) months before i was acquitted/Diss-Missed of all charges after trial.

17. 1st witness at trial took the stand and said he seen plaintiff, shoot a guy several times in the back before running off. witness was more then 50 yards away from Crime ~~Scene~~ Scene.

18. 1st witness stated he knew plaintiff, from area and he was sure but during course of trial was ask what ~~the~~ color shirt plaintiff, was wearing he stated purple, plaintiff, was wearing a silk blue shirt.

19. 2nd witness testify that she was the 9-1-1 Caller but only heard shot's but wen she made it out side she didn't see anything.